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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,656	02/15/2006	Roman Coppola	101070.0001US	9581
24392 7590 10/15/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232				
EXAMINER				
LIU, MICHAEL				
ART UNIT		PAPER NUMBER		
2851				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,656

Applicant(s)

COPPOLA, ROMAN

Examiner

Michael Liu

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.4.6-13 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.4.6-13 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 7/25/08, PROSECUTION IS HEREBY REOPENED. See the new rejections set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851

Drawings

2. The correction to Fig 4 has been considered, and accordingly, the objections to the drawings are withdrawn.

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as anticipated by Leary (6,061,969) or, in the alternative, claims 1, 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as obvious over Leary as evidenced by Oles (5,946,500).

Leary teaches an inflatable structure containing all the structural limitations of the claim language. A recitation of the intended use, such as "photographic" and "to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity," of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As a result, the claim limitations are anticipated by Leary under 35 U.S.C. 102(b).

Re claim 1: Leary discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity sufficiently large to contain a plurality of people, props, and equipment [C4L2-5: dome interior has diameter 30 ft and height 15 ft]; and

wherein the structure comprises a translucent wall [C2L38-39] that is colored [C5L62: pigmented].

Alternatively, wherein the limitation "to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity" defines the structure of the claimed photographic system, the claims are obvious over Leary. Subsequently, an alternative rejection is made under 35 U.S.C. 103(a).

Re claims 1, 10, and 11: Leary discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity sufficiently large to contain a plurality of people, props, and equipment [C4L2-5: dome interior has diameter 30 ft and height 15 ft]; and

wherein the structure comprises a translucent wall [C2L38-39] that is colored [C5L62: pigmented].

Since Leary teaches a greenhouse structure, it does not disclose expressly the translucent wall is colored to produce a uniform chroma key colored backdrop to a subject being photographed.

Upon careful study of the inflatable pigmented dome-shaped structure of Leary that sufficiently large to contain a plurality of people, props, and equipment, one of

ordinary skill in the photography art would have recognized that the pigmented wall of Leary can be utilized as a chroma key background for photographing a subject. As long as a background is comprised of a uniform solid color, as is Leary's pigmented wall, it can be utilized for chroma key replacement. When transferring a background image to the chroma key backdrop, the photographic system senses for a uniform solid color in order to replace the solid color with the desired background image. The color needs to be uniform in order for the photographic system to identify the portions to be replaced. Additionally, this uniform solid color can be any color, even a pigmented color, as long as the photographic system is notified of the chroma key color. Therefore, the pigmented dome-shaped wall of Leary is capable of providing a chroma key colored backdrop to a subject being photographed from inside the cavity.

As evidence for the examiner's position, Oles teaches using a solid colored background for the chroma replacement [C1L17-20]. A colored background 10 is placed behind a subject 12 that is being photographed, where the background has a uniform solid color, which is typically a blue or green colored paper [C1L27-32]. As a result, any solid colored background can be used for the chroma key background.

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the pigmented dome of Leary as a solid colored background for chroma replacement to photograph subjects, as evidence provided by Oles, for the purpose of providing a temporary [C2L34] and inexpensive [C2L25] photographic system to construct a photographic setting for a photographer to shoot on location.

Re claim 6: Leary discloses wherein the inflatable structure is comprised of a plastic sheet [C5L53-56].

Re claim 7: Leary discloses the plastic sheet is a vinyl [C5L44-47: polyvinyl].

Re claim 8: Leary discloses wherein the vinyl has a thickness of at least 4 mils. [C5L42-44: Thickness of vinyl wall is preferably approximately 0.004-0.008 inches. Since 1000 mils = 1 in, the preferred thickness is 4-8 mils.]

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Huebner (6,343,184).

Leary teaches all limitations of the claimed invention except for further comprising a plurality of stage lights that illuminate the cavity from outside the structure.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have a plurality of stage lights to illuminate the cavity of Leary from outside the structure, for the purpose of increased lighting to yield a brighter and clearer photograph.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Simens (6,282,842).

Leary teaches all limitations of the claimed invention except for having a floor area greater than 20,000 sq. ft.

Simens teaches, "A sports stadium or building complex is covered by a huge fiberglass fabric dome that is supported by an inflatable dual-membrane bladder on a hollow compression ring with a diameter of 800 to 1200 feet" [abstract]. With a diameter of 800 feet, this yields an area of greater than 500 thousand square feet.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to increase in size the inflatable structure of Leary, for the purpose of having a larger area to use for photography, which would ease spacing.

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Sadler (4,164,829).

Leary teaches all the limitations of the claimed invention except for the inflatable structure having a floor portion that is continuous with the wall and the structure being inflated by pressurizing the cavity.

Sadler teaches, "Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17" [C3L34-36; see also Fig 1]. In addition, Sadler teaches an appropriate air moving device used to inflate the composite panel structure [C2L60-67].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Leary, for the purpose of effectively inflating the structure.

9. Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles and further in view of Huebner.

Re claims 19 and 20: Leary discloses a method, comprising:

providing an inflatable structure 10 that defines a cavity [C4L2-5: dome interior has diameter 30 ft and height 15 ft] having a colored wall [C5L62: pigmented].

Since Leary teaches a greenhouse structure, it does not disclose expressly the wall is colored to produce a uniform chroma key colored backdrop to a subject being photographed. However, one of ordinary skill in the photography art would have recognized that the pigmented dome-shaped wall of Leary can be utilized as a chroma key background for photographing a subject. As long as a background is comprised of a uniform solid color, as is Leary's pigmented wall, it can be utilized for chroma key replacement. When transferring a background image to the chroma key backdrop, the photographic system senses for a uniform solid color in order to replace the solid color with the desired background image. The color needs to be uniform in order for the photographic system to identify the portions to be replaced. Additionally, this uniform solid color can be any color, even a pigmented color, as long as the photographic system is notified of the chroma key color. Therefore, the pigmented dome-shaped wall of Leary is capable of providing a chroma key colored backdrop to a subject being photographed from inside the cavity.

Furthermore, Oles teaches using a solid colored background for the chroma replacement [C1L17-20]. A colored background 10 is placed behind a subject 12 that is being photographed [Fig 1A], where the background has a uniform solid color, which is

typically a blue or green colored paper [C1L27-32]. As a result, any solid colored background can be used for the chroma key background. Furthermore, Oles teaches a camera 16 and a subject 12, which can comprise a person [Fig 1B].

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the pigmented dome of Leary as a solid colored background for chroma replacement to photograph subjects, as taught by Oles, for the purpose of providing a temporary [C2L34] and inexpensive [C2L25] photographic system to construct a photographic setting for a photographer to shoot on location.

Leary as combined still does not disclose expressly illuminating the subject with artificial lighting transmitted through the wall.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to illuminate the subject with artificial lighting transmitted through the wall of Leary as combined, for the purpose of increased lighting to yield a brighter and clearer photograph.

Re claim 22: Leary as combined discloses further comprising positioning at least some photography-related equipment [Oles: flood lamps 14 and camera 16] inside the cavity.

Leary as combined does not disclose expressly operating the equipment from outside the cavity.

Huebner teaches, in C6L53-55 and C7L35-40, remote control of the camera, drives, and lights from outside the cavity.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the remote control of Huebner to control the photography-related equipment of Leary as combined, for the purpose of easier control of the equipment.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Aptekar (2005/0144018).

Leary as combined discloses all limitations of the claimed invention except for the subject comprising a car.

Aptekar teaches the rental agreement form 1 includes "photographic images 22 of the vehicle being rented" [Par 0019; see Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to make the subject of Leary as combined a car, as done in Aptekar, for the purpose of taking well-illuminated pictures of the vehicle to be able to see the vehicle clearly in the photograph.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Sadler.

Leary as combined discloses all limitations of the claimed invention except for providing a floor portion that is an extension of the wall.

Sadler teaches, "Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17" [C3L34-36; see also Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Leary as combined, for the purpose of having a simple assembly that can quickly be put up and later torn down.

Response to Arguments

12. Applicant's arguments with respect to the rejection(s) of the claims under Oles in view of Leary have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Leary or alternatively, Leary in view of Oles. The 102 Leary rejection utilizes intended use language, and the 103 Leary in view of Oles rejection uses Oles as evidence for using the Leary greenhouse as a photographic structure.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Liu whose telephone number is 571-272-9019. The examiner can normally be reached on Monday through Friday 9 am - 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Michael Liu
Examiner
Art Unit 2851

ML 10/7/08

/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851